

REMARKS

Claim Rejections

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Collins et al. (U.S. 5,377,300). Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Collins et al. in view of Kobayashi et al. (U.S. 6,550,868).

Claims 5 and 6 are allowed.

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Drawings

It is noted that the Examiner has accepted the drawings as originally filed with this application.

Claim Amendments

By this Amendment, Applicant has canceled claims 3 and 4, amended claim 1, and added new claims 7-10 to this application. It is believed that the new and amended claims now specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

Claims 5 and 6 are allowed.

The Examiner has indicated that claim 4 would be allowed if rewritten in independent form. Applicant's amended claim 1 comprises a combination of original claims 1, 3, and 4, thus redrafting claim 4 in independent form. Original claim 2 depends from amended claim 1.

The Examiner rejected claim 1 under 35 U.S.C. §102(b) as being unpatentable over the prior art admitted by the applicant in view of Collins et al. However, the diversion plate (19) in Collins et al. is used for diverting the gas flow

to increase heat transfer and heat exchange, and is not used for blocking the gas flow from striking the thermocouple (27) [figure 1-2, col. 2 lines 30-49, 59-68, col. 3 lines 1-2]. The drawback of Collins et al. is the heat transferring efficiency, and the diversion plate (19) is used to increase the chance of the gas hitting the heat surface area to get higher heat transfer efficiency.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Collins et al. do not disclose each and every feature of Applicant's new claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Collins et al. cannot be said to anticipate any of Applicant's new claims under 35 U.S.C. § 102.

Claims 7-9 have been added to show that the detailed spirit of the invention is different from Collins et al. Claim 7 is based on the claim 1 which has incorporated a functional description to emphasize the difference between the present invention and from Collins et al. In specification, the applicant clearly recites that the plasma particles flowing from the chamber (1) through the vacuum tube (4) are firstly deposited and attached onto the plate (41) and will not directly impact the sensor (22) of the gauge (2). As discussed on page 4, paragraph [0012] of the present application, the damper (5) has a buffer function and lowers a zero shift frequency of the sensor (22). Comparing the damper (5) of the present invention with the diversion plate 19 of Collins et al., the only similarity is that they are both plates.

Claim 8 was added to argue against the Examiner's using the damper plate (1) of Kobayashi et al. to reject claim2. In Kobayashi et al., the damper plate was alternately laminated by plurality of metal plates (2) and rubber members (3), and was used provide a rigidity of an automobile wheel corresponding to desired characteristics. Even though the metal plate (2) is stainless steel as the plate (41) in the present invention, the function and application of them are quite different. The metal plate (2) is used to add rigidity and the plate (41) is used to block the plasma particles. The automobile wheel and dry etch processing are quite different fields.

Claim 9 was added to argue against the Examiner's use of the buffer structure (3) of Kobayashi et al. to reject claim 3. In the present invention, the reticular structure (42) is part of the damper (4), and it work as plate (41)---blocking the plasma particles. In claim 9, the applicant clearly recite the structure is reticular, including irregular meshed structure and regular meshed structure. Adding this structure increases the efficiency of blocking the plasma particles. The buffer structure (3) in Kobayashi et al. is used as a buffer between each of the metal plates (2) to maintain a proper rigidity [fig.2-3, col. 2 lines 23-25, 36-40, 46-55, col. 3 lines 15-22,23-31]. The definition of "buffer" is quite broad, the structure and the function of buffer structure 3 and reticular structure 41 are practically different.

Claim 10 was added to limit the wire netting to a wire netting.

Neither Collins et al. nor Kobayashi et al. disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.


Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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